

Notice of Allowability

Application No.

10/674,010

Examiner

TISHA D. LEWIS

Applicant(s)

HUGHES ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 10, 2005.
2. ☒ The allowed claim(s) is/are 3,8-17,21 and 23-31.
3. ☒ The drawings filed on 29 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DETAILED ACTION

The following is a response to the amendment received on August 10, 2005 which has been entered.

Response to Amendment

Claims 3, 8-17, 21 and 23-31 are pending in the application. Claims 1, 2, 4-7, 18-20 and 22 have been cancelled.

-The objection to claim 14 has been withdrawn due to applicant correcting a typographical error.

-The 103(a) rejection of claims 1, 2, 4-7, 18-20 and 22 has been withdrawn due to applicant canceling these claims.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

-In claims 27 and 28, "gear overspeed test" has been changed to -engine overspeed test-.

Allowable Subject Matter

Claims 3, 8-17, 21 and 23-31 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

-(as to claims 3 and 21) a method for controlling automatic range shift decisions (or a manually shifted transmission system) wherein an automatic range shift is controlled if a vehicle speed is above a low speed latch and if it is not, then a transmission system is shifted into low range in combination with executing engine overspeed test to verify potential target gear ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 3 and 21.

-(as to claim 8) a method for controlling automatic range shift decisions by executing the decisions if a vehicle speed is above a low speed latch, and if it is not, then a transmission system is shifted into low range in combination with executing an engine overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claim 8.

-(as to claims 9 and 23) a method for controlling automatic range shift decisions (or a manually shifted transmission system) wherein a high range is determined if a shift lever is on a low rail or in neutral and transitioning to the low rail and if the transmission system is in low range with an engine overspeed test having a positive result in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 9 and 23.

-(as to claims 10 and 24) a method for controlling automatic range shift decisions (or a manually shifted transmission system) wherein a low range is determined if a shift lever is on a low rail or in neutral and transitioning to the low rail and if the transmission system is in high range with an engine overspeed test having a negative result in

combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 10 and 24.

-(as to claims 11 and 25) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein a low range is determined if a shift lever is on a low rail or in neutral and transitioning to the low rail and a range is unknown with an engine overspeed test having a negative result in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 11 and 25.

-(as to claims 12 and 26) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein if a transmission system is in a low range and a splitter select switch indicates a splitter low position with engine overspeed test for a first gear ratio having a positive (true) result or the switch is in a high position and the overspeed test for a second gear has a positive (true) result, then a high range can be shifted into in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 12 and 26.

-(as to claims 13 and 27) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein if a transmission system is in a high range and a splitter select switch indicates a splitter low position with engine overspeed test for a first gear ratio having a negative result or the switch is in a high position and

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the overspeed test for a second gear has a negative result, then a low range can be shifted into in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 13 and 27.

-(as to claims 14 and 28) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein if a range state is unknown and a splitter select switch indicates a splitter low position with engine overspeed test for a first gear ratio having a negative (false) result or the switch is in a high position and the overspeed test for a second gear has a negative (false) result, then a low range can be shifted into in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 14 and 28.

-(as to claims 15 and 29) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein a low range is determined if a shift lever is on a high rail or in neutral and transitioning to the high rail and if the transmission system is in high range with an engine overspeed test having a negative result in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 15 and 29.

-(as to claims 16 and 30) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein a low range is determined if a shift lever is on a high rail or in neutral and transitioning to the high rail and if the

transmission system is currently in low range in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 16 and 30.

-(as to claims 17 and 31) a method for controlling automatic range shift decisions or a manually shifted transmission system) wherein a low range is determined if a shift lever is on a high rail or in neutral and transitioning to the high rail and if the current range state is unknown with an engine overspeed test having a negative result in combination with executing the overspeed test to select a ratio from a set of potential target ratios and using this to determine an appropriate shift range including all the remaining limitations of claims 17 and 31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
August 18, 2005


TISHA LEWIS
PRIMARY EXAMINER
AU 3681 8/18/05